

Remarks

Reconsideration of this Application is respectfully requested.

Applicants and their representative thank Primary Examiner Dixon for the telephonic Examiner Interview conducted on July 27, 2006.

Upon entry of the foregoing amendment, claims 1-64 and 140-171 are pending in the application, with claims 1, 63, 64, 140, 141, 145-148, 150-156, 161, 162, 166, and 167 being the independent claims. Claims 1-64 are sought to be reinstated and amended. Claims 65-139 are sought to be cancelled without prejudice to or disclaimer of the subject matter recited therein.

New claims 140-171 are sought to be added in accordance with the Examiner's indication that claims 6, 10-13, 17-21, 23-24, 28-36, 38-42, 54, 57, and 60-62 would be allowable pending accommodation of a rejection under 35 U.S.C. § 101, and if amended to incorporate the features of the base claim and any intervening claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

Prosecution History

A summary of the prosecution history, from the last substantive Office Action to the present, is provided below for the Examiner's convenience.

On July 14, 2005, the Office issued a Final Office action rejecting all pending claims, 1-64.

On December 14, 2005, an Examiner Interview was conducted with Examiner Richard Woo. Issues addressed during the Examiner Interview are discussed further below.

On January 17, 2006, Applicants filed a Request for Continued Prosecution and an Amendment and Reply, canceling claims 1-64 and adding new claims 65-139.

On April 28, 2006, the Office issued an Office Communication, stating that new claims 65-139 would not be entered or considered because "the new claims relate to an invention that is independent and distinct from the originally claimed invention." (Office Communication, page 2, quoting MPEP § 706.07(h) and MPEP § 706.07(h)(VI)).

On July 27, 2006, a telephonic Examiner Interview was conducted with Primary Examiner Thomas A. Dixon, to discuss the April 28, 2006, Office Communication.

The present Reply is being filed in response thereto, reinstating and amending claims 1-64, canceling claims 65-139, without prejudice to or disclaimer of the subject matter recited therein, and adding new claims 140-171. The following remarks are directed to the rejections in the Final Office Action dated July 14, 2005.

Rejections under 35 U.S.C. § 101

In paragraph 5 of the Final Office Action, the Examiner rejected claims 1-63 under 35 U.S.C. § 101, alleging that the claims are directed to non-statutory subject matter. According to the Examiner:

In the present application, there is no significant change in the data or for performing calculation or computer implementation in the Claim. Although the claim is deemed to be directed to a computer-implemented method, there is no significant recitation of a computer processor to perform all the recited steps as claimed by the applicant in the Claim body.

(Final Office Action, ¶ 5). Applicants respectfully traverse.

In the intervening case of *In re Lundgren*, BPAI Case No. 2003-2088 (September 18, 2005), the Board held that:

[T]here is currently no judicially recognized separate "technological arts" test to determine patent eligible subject matter under § 101. We decline to create one.

(*In re Lundgren*, at page 7). The rejection is believed to be rendered obsolete by *Lundgren*. Further in view of *Lundgren*, independent claims 1 and 63 have been amended to omit the phrase, "computer implemented," which was added in a previous effort to overcome a rejection under 35 U.S.C. § 101. Reconsideration and withdrawal of the rejection are requested.

Rejections under 35 U.S.C. § 102

In paragraph 6 of the Final Office Action, the Examiner rejected claims 1-4, 7-9, 14-16, 22, 25-27, 37, 43-53, 55, 58, 59, 63, and 64 as being anticipated under 35 U.S.C. § 102 by DeMarken *et al.* (WO 00/46715 A). Applicants respectfully traverse.

Independent claim 1 has been amended to recite, among other features:

prioritizing the requestor queries;

processing the requestor queries in accordance with the associated priorities; and

determining to provide amongst providing the second requestors with at least one of the following types of airline availability information: real-time airline availability information; and cached airline availability information based at least in part on one or more factors associated with the requestors, the requests, the requested airline availability information, and/or the airline availability information sources.

Independent claims 63 and 64 have been similarly amended.

Support for the changes to independent claims 1, 63, and 64 can be found in the specification at, for example:

page 3, lines 15-16;

page 7, line 19 through page 8, line 9;
page 10, line 12;
page 18, line 1 through page 22, line 3;
page 34, lines 8-19;
page 54, lines 24-25;
page 55, lines 1-2; and
page 59, line 21;

and in FIGS. 4A-4D, 5, 6, 7, and 8 of the Drawings.

These features were discussed and distinguished over DeMarken during the Examiner Interview of December 14, 2005, conducted with Examiner R. Woo.

Accordingly, the Interview Summary, dated December 14, 2005, page 2, ¶2, states:

Applicant proposed amending the claim in an RCE to indicate that the type/source of information provided to the user depends upon additional parameters such as requestor priority or other parameters. Examiner indicated that this would be considered upon official filing of the amendment.

It is respectfully submitted that the combination of features recited in amended claims 1, 63, and 64, are not taught or suggested by DeMarcken. Reconsideration and withdrawal of the rejection of claims 1, 63, and 64 are requested.

Claims 1-4, 7-9, 14-16, 22, 25-27, 37, 43-53, 55, 58, and 59 depend, directly or indirectly, from claim 1 and are thus patentable for at least the reasons provided above with respect to claim 1, and further in view of their respective features. Reconsideration and withdrawal of the rejection of these claims are requested.

Rejections under 35 U.S.C. § 103

In paragraph 7 of the Final Office Action, the Examiner rejected claim 5 as being unpatentable over DeMarken, in view of Padmanabhan V H et al., *Using Predictive Prefetching to Improve World Wide Web Latency*. Applicants respectfully traverse.

Claim 5 depends from claim 1 and is thus patentable for at least the reasons provided above with respect to claim 1, and further in view of the additional features recited therein. Reconsideration and withdrawal of the rejection of claim 5 are requested.

Additional Amendments to Claims 1-64

One or more of claims 1-64 have been amended to omit the numbering of claim features, to omit the phrase "the step of" or "the steps of," and/or for other non-substantive reasons.

Independent claim 1 has also been amended with respect to receiving queries from requestors, as shown below:

- (1) ~~receiving a first request from a first requestor for airline availability information;~~
- (2) querying one or more airline availability information sources for the requested airline availability information;
- (3) receiving the requested airline availability information from the one or more airline availability information sources;
- (4) caching the received airline availability information;
- (5) ~~providing the received airline availability information to the requestor;~~
- (6) receiving queries a second query from a second requestors for the airline availability information;
- ... [and]
- (8) providing information to the second requestors in accordance with the determining ~~determination made in step (7).~~

Independent claims 63 and 64 have been amended similarly. These changes are not believed to affect the patentability of claim 1.

Allowable Subject Matter

In paragraph 8 of the Final Office Action, the Examiner indicated that claims 6, 10-13, 17-21, 23-24, 28-36, 38-42, 54, 57, and 60-62 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 101, and to include the features recited in the base claim and any intervening claims. In view of the discussion above regarding the rejection under 35 U.S.C. § 101, and *In re* Lundgren, the rejection under 35 U.S.C. § 101 is believed to be overcome.

Accordingly, new claims 140-171 have been added, corresponding to claims 6, 10-13, 17-21, 23-24, 28-36, 38-42, 54, 57, and 60-62, rewritten to include features recited in the base claim and any intervening claims.

Applicants note that one or more of the new claims have been drafted to include one or more of the amendments described above under the heading, "Additional Amendments to Claims 1-64." In addition, new claim 152, does not recite multiple requestors. These changes are not believed to substantively affect the Examiner's indication of allowability.

Consideration of the new claims is requested.

For the Examiner's convenience, correspondences between allowable claims 6, 10-13, 17-21, 23-24, 28-36, 38-42, 54, 57, and 60-62, and new claims 140-171, are provided in the tables below. Independent new claims are indicated by asterisks.

Allowed Claim	Base Claim and any Intervening Claims	Corresponding New Claim
6	1, 3, 5	140*
10	1, 3, 9	141*
11	1, 3, 9, 10	142
12	1, 3, 9, 10, 12	143
13	1, 3, 9, 10, 12, 13	144
17	1, 16	145*
18	1, 16	146*
19	1, 16	147*
20	1, 16	148*
21	1, 16, 20	149
23	1, 14	150*
24	1, 14	151*
28	1	152*
29	1	153*
30	1	154*
31	1	155*

Allowed Claim	Base Claim and any Intervening Claims	Corresponding New Claim
32	1	156*
33	1, 32	157
34	1, 32	158
35	1, 32	159
36	1, 32	160
38	1, 3	161*
39	1, 3	162*
40	1, 3, 39	163
41	1, 3, 39	164
42	1, 3, 39	165
54	1, 3	166*
55	1, 3	167*
57	1, 3, 55	168
60	1, 58, 59	169
61	1	170
62	1	171

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections.

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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